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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JON SCOTT DUNKLE,

Petitioner,

vs.

RON BROOMFIELD, Warden of San  
Quentin State Prison,

Respondent.

No. CV 06-04115-JD

Death Penalty Case

Nineteenth Status Report

The Court stayed the above-captioned proceeding to allow Mr. Dunkle's counsel to file a habeas petition in the California state courts regarding Mr. Dunkle's ineligibility for a death sentence because he is permanently incompetent to be executed. (ECF No. 30.) The Court ordered Mr. Dunkle to file a status report every 120 days to apprise the Court of the status of the state court proceedings. (ECF No. 60.) In compliance with that order, Mr. Dunkle submits the following report.

As set forth in the last status report (ECF No. 59), on November 5, 2021, counsel for Mr. Dunkle filed a state habeas petition in the California Supreme Court alleging that he is ineligible to be executed based on his permanent incompetency. The petition and supporting exhibits were docketed in the California Supreme Court as case number

1 S271632. On December 1, 2021, the California Supreme Court transferred the petition to  
2 the Superior Court of California, County of San Mateo.

3 On December 3, 2021, the petition and supporting exhibits were docketed in San  
4 Mateo County Superior Court case number SC017651A. On August 16, 2022, Respondent  
5 filed an Informal Response to the petition stating that Respondent does not oppose Mr.  
6 Dunkle's petition and agrees the petition should be granted. Respondent also informed the  
7 court that the parties are currently drafting a proposed stipulation and order pursuant to  
8 which Mr. Dunkle's death sentence would be vacated, resulting in a sentence of life  
9 without the possibility of parole. The parties are still working to prepare an agreed-upon  
10 proposed stipulation and order to submit to the superior court for review.

11 Mr. Dunkle will submit further status reports every 120 days pursuant to this  
12 Court's order. The next status report is due May 5, 2023.

13 Respectfully submitted this 5th day of January 2023.

14 JON M. SANDS  
15 Federal Public Defender

16 Jessica M. Salyers  
17 Stanley Siders Molever  
18 Assistant Federal Public Defenders

19 By /s/ Jessica M. Salyers  
20 Counsel for Petitioner  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of January 2023, I electronically transmitted the foregoing Status Report to the Clerk's office using the CM/ECF System for filing. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Oscar Lopez  
Assistant Paralegal  
Capital Habeas Unit